

structed to result in a clear channel width of less than 300 feet.

SEC. 354. MOTOR CARRIER SAFETY PROGRAM.

Section 31136(e) of title 49, United States Code, is amended—

(1) by inserting "(1) IN GENERAL.—" before "After notice";

(2) by indenting paragraph (1), as designated by paragraph (1) of this section, and moving paragraph (1), as so redesignated, 2 ems to the right; and

(3) by adding the following at the end:

"(2) MOTOR CARRIER SAFETY PROGRAM.—

"(A) IN GENERAL.—The Secretary, within 180 days of the application of an operator of motor vehicles with a gross vehicle weight rating of at least 10,001 pounds but not more than 26,000 pounds, shall exempt some or all of such vehicles and drivers of such vehicles from some or all of the regulations prescribed under this section and sections 504 and 31502 of this title if the Secretary finds such applicant—

"(i) has a current satisfactory safety fitness rating issued by the Secretary; and

"(ii) will implement a program of safety management controls designed to achieve a level of operational safety equal to or greater than that resulting from compliance with the regulations prescribed under this section.

The Secretary shall modify the exemption if there is a material change in the regulations prescribed under such sections. In granting such exemptions, the Secretary shall ensure that approved participants in the motor carrier safety program are subject to a minimum of paperwork and regulatory burdens.

"(B) MONITORING; EXEMPTION PERIOD.—The Secretary and participants in the program established by this paragraph shall periodically monitor the safety of vehicles and drivers exempted from regulations under the program. An exemption approved under subparagraph (A) shall remain in effect until such time as the Secretary finds—

"(i) that the operator has exceeded the average ratio of preventable accidents to vehicle miles travelled for a period of 12 months for the class of vehicles with a gross vehicle weight of at least 10,001 pounds but not more than 26,000 pounds; or

"(ii) that such operator's exemption is not in the public interest and would result in a significant adverse impact on the safety of commercial motor vehicles.

"(C) FACTORS.—In approving applications under the program established by this paragraph, the Secretary shall—

"(i) ensure that applicants in the program represent a broad cross-section of fleet size and operators of vehicles between 10,000 and 26,000 pounds; and

"(ii) to the extent feasible, ensure participation by as many qualified applicants as possible.

"(D) LIMITATION.—The Secretary shall not grant the exemptions set forth in subparagraph (A) to vehicles—

"(i) designed to transport more than 15 passengers; including the driver; or

"(ii) used in transporting material found by the Secretary to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under such section 5103.

"(E) EMERGENCIES.—The Secretary may revoke or modify the participation of an operator in the program established by this section in the case of an emergency.

"(3) REVIEW OF REGULATIONS.—The Secretary shall conduct a zero-based review of the need and the costs and benefits of all regulations issued under this section and sections 504 and 31502 of this title to determine whether such regulations should apply to vehicles weighing between 10,000 and 26,000

pounds. The review shall focus on the appropriate level of safety and the paperwork and regulatory burdens of such regulations as they apply to operators of vehicles weighing between 10,000 and 26,000 pounds. The Secretary shall complete the review within 18 months after the date of the enactment of this paragraph. Upon completion of the review, the Secretary shall grant such exemptions or modify or repeal existing regulations to the extent appropriate."

SEC. 355. TECHNICAL AMENDMENT.

Notwithstanding section 101(a) of title 23, United States Code, the projects described in section 149(a)(62) of Public Law 100-17 and section 1 of Public Law 100-211 shall be eligible under section 204 of title 23, United States Code.

SEC. 356. SAFETY REPORT.

Not later than September 30, 1997, the Secretary of Transportation, in cooperation with any State which raises any speed limit in such State to a level above the level permitted under section 154 of title 23, United States Code, as such section was in effect on September 15, 1995, shall prepare and submit to the Congress a study of—

(1) the costs to such State of deaths and injuries resulting from motor vehicle crashes; and

(2) the benefits associated with the repeal of the national maximum speed limit.

SEC. 357. OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§161. National standard to prohibit the operation of motor vehicles by intoxicated minors

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 1999.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on such date.

"(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on such date.

"(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that makes unlawful throughout the State the operation of a motor vehicle by an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2000.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2000.—No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to such State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State

under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets such requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which such funds are so apportioned. Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"161. National standard to prohibit the operation of motor vehicles by intoxicated minors."

SEC. 358. EFFECTIVENESS OF DRUNK DRIVING LAWS.

The Secretary shall conduct a study to evaluate the effectiveness on reducing drunk driving of laws enacted in the States which allow a health care provider who treats an individual involved in a vehicular accident to report the blood alcohol level, if known, of such individual to the local law enforcement agency which has jurisdiction over the accident site if the blood alcohol concentration level exceeds the maximum level permitted under State law.

Amend the title so as to read: "An Act to amend title 23, United States Code, to designate the National Highway System, and for other purposes."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. DIAZ-BALART, announced that the yeas had it.

Mr. SHUSTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 419
Nays 7

1118.18

[Roll No. 679]

YEAS—419

| | | |
|-------------|--------------|-----------|
| Abercrombie | Barr | Bilirakis |
| Ackerman | Barrett (NE) | Bishop |
| Allard | Barrett (WI) | Bliley |
| Andrews | Bartlett | Blute |
| Archer | Barton | Boehlert |
| Armey | Bass | Boehner |
| Bachus | Bateman | Bonilla |
| Baesler | Becerra | Bonior |
| Baker (CA) | Bentsen | Bono |
| Baker (LA) | Bereuter | Borski |
| Baldacci | Berman | Boucher |
| Ballenger | Bevill | Brewster |
| Barcia | Bilbray | Browder |

Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Creameas
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frista

Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchee
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther

Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McColum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough

Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm

Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torrice
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich

Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—7

Beilenson
Dellums
Gibbons
Jacobs
Johnston
Orton
Waters

NOT VOTING—8

Kennedy (MA)
Moakley
Reynolds
Roukema
Sisisky
Taylor (NC)
Tucker
Volkmer

So the bill was passed.

On motion of Mr. SHUSTER, by unanimous consent, the bill of the Senate (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. SHUSTER submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 2274, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "An Act to amend title 23, United States Code, to designate the National Highway System, and for other purposes."

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

By unanimous consent, H.R. 2274, a similar House bill, was laid on the table.

On motion of Mr. SHUSTER, by direction of the Committee on Transportation and Infrastructure and pursuant to clause 1 of rule XX, it was,

Resolved, That the House insist upon its amendments to S. 440 and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

¶118.19 APPOINTMENT OF CONFEREES—S. 440

Thereupon, the SPEAKER pro tempore, Mr. TORKILDSEN, by unanimous consent, announced the appointment of Messrs. SHUSTER, CLINGER, PETRI, EMERSON, LAHOOD, MINETA, OBERSTAR,

and RAHALL, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶118.20 PROVIDING FOR THE CONSIDERATION OF THE CONFERENCE REPORT ON H.R. 1817

Mr. MCINNIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 223):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1817) making appropriations for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived.

When said resolution was considered.

After debate,

On motion of Mr. MCINNIS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution, was agreed to was, by unanimous consent, laid on the table.

¶118.21 MILITARY CONSTRUCTION APPROPRIATIONS, FY 1996

Mrs. VUCANOVICH, pursuant to House Resolution 223, called up the following conference report (Rept. No. 104-247):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1817) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 14, 15, 19, 30, 35, 36, 37, 43, 44, 45, 47, 48, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 7, 10, 12, 18, 22, 38, 39, 40, 41, and 42, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$633,814,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$554,636,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$50,477,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: